

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL BROOKS

Case No. 2:16-CR-00180-GSL-JEM

OPINION AND ORDER

The matter before the Court is Defendant’s “Motion to Reduce Sentence; Motion to Correct Sentence.” [DE 184]. Defendant, proceeding pro se, argues that the Bureau of Prisons has improperly reduced (or perhaps not at all) his sentence regarding credit for time served prior to sentencing. [*Id.* at page 2]. He brings his motion pursuant to Federal Rule of Civil Procedure 60(b). [*Id.* at 1]. The Government argues that Rule 60(b) is the improper vehicle for Defendant’s motion. [DE 187, page 3]. Instead, it should be brought under a habeas corpus petition. [*Id.*]. Moreover, if construed as a habeas corpus petition, the Government argues that this Court lacks jurisdiction. [*Id.*]. This Court agrees.

A habeas corpus petition, under 28 U.S.C.A. § 2241, is the proper vehicle for challenging the execution of a criminal sentence, e.g., miscalculations by the Bureau of Prisons. *Setser v. United States*, 566 U.S. 231, 244 (2012). And this petition must be filed in the district in which the prisoner is incarcerated. *Wyatt v. United States*, 574 F.3d 455, 460 (7th Cir. 2009).

The Court construes Defendant’s motion as a habeas corpus petition. See *United States v. Earls*, 755 F. App’x 581, 583 (7th Cir. 2019) (“[Rule 60] . . . does not apply in criminal cases [A] court should examine the substance, not just the label, of the pro se filing”). Defendant is incarcerated in White Deer, Pennsylvania. The federal district court there is the proper venue for Defendant’s petition. This Court lacks jurisdiction.

For these reasons, Defendant's motion [DE 184] is DISMISSED.

SO ORDERED.

ENTERED: June 6, 2025

/s/ GRETCHEN S. LUND

Judge
United States District Court